

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: PROCESSED EGG PRODUCTS
ANTITRUST LITIGATION

: MULTIDISTRICT
: LITIGATION
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:
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THIS DOCUMENT APPLIES TO:
ALL DIRECT ACTION PLAINTIFF CASES
ALL INDIRECT PURCHASER CASES

: No. 08-md-2002
:
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ORDER

AND NOW, this 8th day of September, 2016, upon consideration of Certain Defendants' Motion for Summary Judgment Against Direct Action Plaintiffs ("DAPs") on Liability (Doc. No. 1245), and Certain Defendants Motion for Summary Judgment Against Indirect Purchaser Plaintiffs ("IPPs") on Liability (Doc. No. 1246), the responses thereto, oral argument on the motions, as well as post-hearing briefing, it is hereby **ORDERED** that the Motions are **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Court **GRANTS** both motions as to the legal standard for evaluating the United Egg Producers ("UEP") Certified Program and finds that the legality of the Certified Program must be evaluated under the rule of reason;
2. The Court **GRANTS** the motions as to the plaintiffs' allegation of the existence of an agreement among the defendants to cease construction of new hen housing in conjunction with the implementation of the UEP Certified Program;
3. The Court **DENIES** the motions as to the remaining arguments.

BY THE COURT:


GENE E.K. PRATTER
United States District Judge